

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LEV GRIGORYOU,

Plaintiff,

v.

DECISION AND ORDER
13-CV-00526A(M)

PALLET SERVICE, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 13, 2015, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 27), recommending that plaintiff's motion for appointment of counsel (Dkt. No. 23) be denied, and that defendant's motion to dismiss the Amended Complaint (Dkt. No. 19) also be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for appointment of counsel (Dkt. No. 23) is denied without prejudice, and defendant's motion to dismiss the Amended Complaint (Dkt. No. 19) is also denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 9, 2015